

**BEFORE THE MISSISSIPPI STATE
BOARD OF DENTAL EXAMINERS**

**IN THE MATTER OF MISSISSIPPI:
DENTAL HYGIENE LICENSE NO.
4123-13DH**

*
*
*
*
*
*
*

DOCKET NO. 2025-056

**NANCY MICHELE MALATESTA
1107 AVERY STREET
CLEVELAND, MS 38732**

RESPONDENT

CONSENT ORDER

WHEREAS, RESPONDENT, NANCY MICHELE MALATESTA, has been vested with the right and privilege to practice dental hygiene in the State of Mississippi by virtue of License No. **4123-13DH**, issued by the Mississippi State Board of Dental Examiners (hereinafter referred to as "Board").

WHEREAS, RESPONDENT, NANCY MICHELE MALATESTA, has agreed to enter into a **CONSENT ORDER**, pursuant to 30 Miss. Admin. Code Pt. 2302, R. 1.10, which would, upon approval and execution by the Board, avoid initiation of formal disciplinary proceedings.

FINDINGS OF FACT

1. **RESPONDENT** holds an active Mississippi dental hygiene license, License No. 4123-13DH, which was initially issued on or about November 01st, 2012.

2. In or around March 2025, the Board conducted a random compliance audit for the biennial renewal period January 1, 2023, through December 31, 2024, to ensure compliance with 30 Miss. Admin. Code Pt. 2301, R. 1.41 – (Board Regulation No. 41 – Continuing Education). **RESPONDENT** was randomly selected to participate in the audit. In response to the Board's audit, **RESPONDENT** submitted evidence of completion of eight (8) hours of Board-approved continuing education.

RESPONDENT'S failure and/or refusal to produce records evidencing completion of the required twenty (20) hours of Board-approved continuing education for the biennial

renewal period January 01st, 2023, to December 31st, 2024, constitutes a violation of 30 Miss. Admin. Code Pt. 2301, R. 1.41.

CONCLUSIONS OF LAW

1. The Mississippi State Board of Dental Examiners is established pursuant to Title 73, Chapter 9 of the Mississippi Code of 1972, as amended, and is charged with the duty of licensing and regulating the practice of dentistry and dental hygiene in the State of Mississippi. The **RESPONDENT** is the holder and/or applicant of a license issued by the Board and is, therefore, subject to Miss. Code Ann. § 73-9-1, et seq.
2. Pursuant to Miss. Code Ann. § 73-9-61 (1), upon satisfactory proof, and in accordance with statutory provisions elsewhere set out for such hearings and protecting the rights of the accused as well as the public, the State Board of Dental Examiners may deny the issuance or renewal of a license or may revoke or suspend the license of any licensed dentist or dental hygienist practicing in the State of Mississippi, or take any other action in relation to the license as the Board may deem proper under the circumstances, for: *(b) Willful violation of any of the rules or regulations duly promulgated by the Board, or of any of the rules or regulations duly promulgated by the appropriate dental licensure agency of another state or jurisdiction.*
3. Pursuant to Board Regulation 41, Miss. Admin. Code Pt. 2301, R. 1.41 (2), *Licensed dental hygienists must complete twenty (20) hours of Board-approved CDE per biennial renewal period.*
4. **RESPONDENT’S** conduct violates Miss. Code Ann. § 73-9-61 (1)(b) and Board Regulation 41, 30 Miss. Admin. Code Pt. 2301, R. 1.41., and constitutes grounds for disciplinary action by the Board, pursuant to Miss. Code Ann. § 73-9-61 (1).

ORDER

IT IS THEREFORE AGREED AND ORDERED:

1. **RESPONDENT’S** license shall be subject to the following penalties and actions authorized by Miss. Code Ann. § 73-9-61.

- a. **FINE. RESPONDENT** shall pay a FINE in the amount of **\$500.00** which must be received in the Board's office within *thirty (30) calendar days* from the date the Board approves and executes this **CONSENT ORDER**. Certified checks for payment of the FINE should be made payable to the "Mississippi State Treasury."
- b. **COSTS.** Pursuant to Miss. Code Ann. § 73-9-61 (4)(d), **RESPONDENT** shall pay the COSTS of these proceedings in the amount of **\$150.00**, which must be received in the Board's office *within thirty (30) calendar days* from the date the Board approves and executes this **CONSENT ORDER**. Certified checks for payment of the COSTS should be made payable to the "Mississippi State Board of Dental Examiners."
- c. **CONTINUING EDUCATION. RESPONDENT** shall complete at least twelve (12) hours of Board-approved CONTINUING EDUCATION, and **RESPONDENT** shall submit verifiable evidence of completion to the Board within *thirty (30) calendar days* from the date the Board approves and executes this **CONSENT ORDER**. Continuing education hours obtained in satisfaction of this requirement may not be utilized towards satisfaction of the continuing education requirements for the January 01st, 2025, to December 31st, 2026, biennial renewal period.
- d. **JURISPRUDENCE EXAM. RESPONDENT** shall successfully complete the MISSISSIPPI JURISPRUDENCE EXAMINATION within *thirty (30) calendar days* from the date the Board approves and executes this **CONSENT ORDER**,
- e. **COMPLIANCE. RESPONDENT** shall comply with Miss. Code Ann. § 73-9-1 et seq., 30 Miss. Admin. Code Pt. 2301 et seq., and all laws and regulations related to the practice of dentistry in Mississippi. **RESPONDENT** is responsible for ensuring the Board receives verifiable evidence of compliance with all terms and conditions of this **CONSENT ORDER** within the time frame(s) prescribed herein.

- f. **COMPLETION. RESPONDENT** shall comply with and **COMPLETE** all terms and conditions of this **CONSENT ORDER** within *ninety (90) calendar days* from the date the Board approves and executes this **CONSENT ORDER**.
 - g. **SUSPENSION FOR NON-COMPLIANCE.** In the event that **RESPONDENT** fails to comply with any terms or conditions of this **CONSENT ORDER**, **RESPONDENT'S** license shall be **SUSPENDED IMMEDIATELY** for a period of no less than (7) days.
 - i. During such time that **RESPONDENT'S** license is **SUSPENDED**, **RESPONDENT** shall NOT practice dental hygiene in the state of Mississippi.
 - ii. During such time that **RESPONDENT'S** license is **SUSPENDED**, **RESPONDENT'S** license status with the Board, including for purposes of license verification by the public, shall indicate "SUSPENDED."
 - iii. After expiration of a minimum of seven (7) days **SUSPENSION**, **RESPONDENT** may be eligible for lifting of the **SUSPENSION**. Only upon the Board's verification that **RESPONDENT** is compliant with all terms and conditions of this **CONSENT ORDER**, shall the Board lift the **SUSPENSION** from **RESPONDENT'S** license and update **RESPONDENT'S** license status to reflect lifting of the **SUSPENSION**.
2. That this **CONSENT ORDER** is entered into freely, willingly and voluntarily by all the parties without threats or promises, and further, such **CONSENT ORDER** is entered into in lieu of having a full administrative hearing before the Mississippi State Board of Dental Examiners.
- a. That **RESPONDENT** hereby voluntarily, willingly, and freely waives all of **RESPONDENT'S** due process rights, including but not limited to, the right to a hearing whereby **RESPONDENT** could:

- i. Appear either personally or by counsel or both,
 - ii. Cross-examine any witnesses who may testify against **RESPONDENT**,
 - iii. Present testimony, evidence, and witnesses on **RESPONDENT'S** behalf,
and
 - iv. Have subpoenas issued by the Board on **RESPONDENT'S** behalf.
 - b. That **RESPONDENT** hereby voluntarily, willingly, and freely waives any right to judicial review of this **CONSENT ORDER**.
 - c. **RESPONDENT** authorizes the Board to review and examine any documentary evidence or information concerning **RESPONDENT** prior to or in conjunction with its consideration of the **CONSENT ORDER**.
 - d. That this **CONSENT ORDER** shall be subject to approval by the Board. If the Board fails to approve the **CONSENT ORDER**, it shall have no force or effect on the parties.
 - e. That should this **CONSENT ORDER** not be approved by the Board, it is agreed that the presentation and consideration of the **CONSENT ORDER**, including any documentary evidence and information related thereto, shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding **RESPONDENT**.
3. That **RESPONDENT** accepts the above penalties and acknowledges that **RESPONDENT'S** license is conditioned on full compliance with these terms. Failure to adhere to any of the terms of this **CONSENT ORDER** may result in further disciplinary action against **RESPONDENT'S** license.

4. That the **RESPONDENT** does hereby fully, completely and finally release the Board, its agents, servants or employees from any and all claims, charges, demands, damages, costs, expenses, actions and causes of action of every kind and nature which the **RESPONDENT** may now or hereafter have related to this **CONSENT ORDER** between the **RESPONDENT** and the Board. The Mississippi State Board of Dental Examiners admits no liability in any way related to this **CONSENT ORDER**.
5. That this **CONSENT ORDER** is considered a settlement agreement under Mississippi Rule of Evidence 408; therefore, this **CONSENT ORDER** does not constitute an admission of guilt or liability.
6. That this document is a public record and will be entered as a **FINAL ORDER** of the Board. This action will be reported to the American Association of Dental Boards (AADB) and to all federally mandated data banks.

AGREED TO, on this day, Jun 18, 2025, 2025.

Nancy Michele Malatesta
Nancy Michele Malatesta (Jun 18, 2025 16:45 CDT)

NANCY MICHELE MALATESTA

Approved as to Form & Substance:

W. Westley Mutziger

W. Westley Mutziger
Board Counsel, MSBDE

SO APPROVED & ORDERED, on this day Jun 18, 2025, 2025.

MISSISSIPPI STATE BOARD OF DENTAL EXAMINERS

Mark D. Williams, D.M.D.

Mark D. Williams, D.M.D. (Jun 18, 2025 16:58 CDT)

**MARK D. WILLIAMS, D.M.D.
PRESIDENT**